

USSN 10/797,589
Response to February 23, 2010 Office Action
Amendment dated June 21, 2010

REMARKS

The Office Action of February 23, 2010 has been received and considered. Claims 1-36 are pending in this application. Claims 1 and 21 have been amended.

Reconsideration of the application in view of the foregoing amendments and following remarks is respectfully requested. Each of the Examiner's rejections is discussed below.

Section 102

Claims 1, 2, 7-11, 15, 19, 21, 22, 26-29, and 33 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,365,351 to Doerschuk et al ("Doerschuk"). This rejection is respectfully traversed.

Doerschuk fails to disclose or make obvious a swimsuit body configured to be stretched over a swimmer's body **such that the entire swimsuit body provides a conforming fit on a swimmer's body**; and a resilient seal having an interior surface, **wherein an exterior surface of the resilient seal is completely exposed to an exterior of the swimsuit body**, as required by independent claims 1 and 21.

Doerschuk describes its diver's suit 10 as a "somewhat loosely fitting body covering" at col. 2, lines 29-32. Not only does Doerschuk not disclose the required swimsuit body **configured to be stretched over a swimmer's body such that the entire swimsuit body provides a conforming fit on a swimmer's body**, Doerschuk actually teaches away from a swimsuit body stretched over a swimmer's body with a conforming fit.

The Office Action asserts that at least in the chest covering portion of the swimsuit body of Doerschuk is configured to provide a conforming fit on a swimmer's body. However,

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Applicant notes that, by design, the majority of the drysuit of Doerschuk is not stretched over a swimmer's body to provide a conforming fit, but rather is loosely fitting.

Additionally, the exterior surface of foam material 30, 50 of Doerschuk is not exposed to the exterior of the suit 10. Rather, adhesive tape 42, 62, 64 is secured to and contacts the exterior surface of foam material 30, 50 in order to secure it to suit 10.

Accordingly, the rejection is improper and should be withdrawn.

Section 103

Claims 1-36 have been rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 6,088,032 to Newman ("Newman") in view of Doerschuk. This rejection is respectfully traversed.

Newman fails to overcome the deficiencies of Doerschuk discussed above.

Accordingly, the rejection is improper and should be withdrawn.

Conclusion

It is respectfully submitted that the pending claims are in form for allowance. Please apply any charges or credits to Deposit Account No. 19-0733.

Respectfully submitted,

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